

Appointment

From: Mia, Marcia [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6590C44762D64CE28AB3D7A7FBB14673-MMIA]
Sent: 3/19/2018 1:53:35 PM
To: Cox, John [Cox.John@epa.gov]
Subject: FW: Shipbuilding MACT-40 CFR 63 Subpart II (once in always in)
Location: RTP-OAQPS [Private Phone/Ex. 6] PD/Phone-Line/RTP-OAQPS-BLDG-C
Start: 3/19/2018 4:00:00 PM
End: 3/19/2018 4:30:00 PM
Show Time As: Tentative

-----Original Appointment-----

From: Dalcher, Debra
Sent: Friday, March 16, 2018 11:45 AM
To: Dalcher, Debra; Rapp, Steve; Sansevero, Christine; Lancey, Susan; Olivier, Tom; Bird, Patrick; Mia, Marcia; Torres, Elineth; Jordan, Scott; Chapman, Apple; Barnett, Keith
Cc: Lamason, Bill; Pemberton, Wanda; Spina, Providence; Fried, Gregory; Shine, Brenda
Subject: Shipbuilding MACT-40 CFR 63 Subpart II (once in always in)
When: Monday, March 19, 2018 12:00 PM-12:30 PM (UTC-05:00) Eastern Time (US & Canada).
Where: RTP-OAQPS [Private Phone/Ex. 6] PD/Phone-Line/RTP-OAQPS-BLDG-C
Region 1, Susan Lancey – Consultation

Attorney Client, Deliberative Process/Ex. 5

From: Kelly Cowan [mailto:kcowan@woodardcurran.com]
Sent: Wednesday, March 14, 2018 1:18 PM
To: Lancey, Susan <lancey.susan@epa.gov>; Dalcher, Debra <dalcher.debra@epa.gov>
Subject: Shipbuilding MACT-40 CFR 63 Subpart II (once in always in)

FYI – I have a few shipbuilding/repair clients circumstances similar to the following, but I figured one specific example would be easier to understand.

I have a shipbuilding/repair client who was issued an Administrative Order (AO) in 2012 for failure to comply with the shipbuilding NESHAPS in 40 C.F.R. 63 Subpart II. At the time, the facility was a potential major source, and actual area source, of HAPs. Because the facility did not obtain an enforceable HAPs limit prior to the first compliance date of the regulation, EPA deemed the facility a major source subject to NESHAPS Subpart II, consistent with EPA's 1995 "once in always in" policy. The AO also required the facility to

obtain a Title V permit (required by MassDEP regulations for all NESHAP sources). The facility fulfilled the requirements of the AO and has been complying with NESHAPS Subpart II since 2013.

In 2015, MassDEP issued the facility a Limited Plan Approval with combined HAP limits of 9.9 tpy. EPA's January 2018 withdrawal of the "once-in-always-in" policy allows facilities to be reclassified as area sources at any time, provided they limit PTE below major source thresholds. Considering this, the facility is a synthetic minor/area source of HAPs and it is my understanding that NESHAPS Subpart II is no longer applicable. (Title V is also no longer applicable but we will be working with MassDEP regarding the Title V issue.)

Please confirm my understanding is correct and let me know of any specific actions the facility needs to take now that NESHAPS Subpart II is no longer applicable, especially considering the presence of the AO.

Thank you.

Kelly A. Cowan, P.E.
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